

**MELLINGER KARTZMAN LLC**

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*Attorneys for Steven P. Kartzman, Chapter 7 Trustee*



Order Filed on January 22, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**In re:**

**MICHAEL KALFUS AND ROBIN  
KALFUS,**

**Debtors.**

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

Case No.: 18-13396 (VFP)

Chapter 7

Honorable Vincent F. Papalia

**CONSENT ORDER RESOLVING CLAIM FOR  
TURNOVER OF PROPERTY OF THE  
ESTATE TO THE TRUSTEE PURSUANT TO 11 U.S.C. § 542(a)**

The relief set forth on the following pages is hereby **ORDERED**.

**DATED: January 22, 2021**

A handwritten signature in black ink, appearing to read "Vincent F. Papalia", written over a horizontal line.

**Honorable Vincent F. Papalia  
United States Bankruptcy Judge**

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Debtor: Michael Kalfus and Robin Kalfus

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Caption: Consent Order Resolving Claim for Turnover of Property of the Estate to the Trustee Pursuant to 11 U.S.C. § 542(a)

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THIS MATTER having been brought before the Court by Steven P. Kartzman, the Court-appointed Chapter 7 Trustee (the “Trustee”), by and through his attorneys Mellinger Kartzman LLC, on application for entry of a Consent Order in lieu of motion resolving claim for turnover of property of the estate to the Trustee Pursuant to 11 U.S.C. § 542(a), and a prior Motion for Entry of an Order Directing Turnover of Rents Pursuant to 11 U.S.C. § 542(a) having been filed on February 4, 2020 at Dkt. No. 150 (the “Motion”), and an Interim Order on Motion of the Chapter 7 Trustee for Entry of an Order Directing Turnover of Property of the Estate to the Trustee Pursuant to 11 U.S.C. § 542(a) having been entered on March 4, 2020 at Dkt. No. 171 (the “Interim Order”), and an Order Directing Turnover of Property of the Estate to the Trustee Pursuant to 11 U.S.C. § 542(a), and Denying Cross-Motion Filed by the Debtors to Compel Abandonment having been entered on April 8, 2020 at Dkt. No. 192 (the “April 8, 2020 Order”), which directed Michael Kalfus and Robin Kalfus (the “Debtors”) to turnover at least \$32,369.51, and all parties with an interest having been properly served, and the Trustee and the Debtors having agreed to amicably resolve the issues between the estate and the Debtors on the terms set forth herein, as appears from the signatures of counsel affixed hereto, it is hereby

ORDERED AS FOLLOWS:

1. The Debtors shall pay to the Trustee the sum of \$42,000.00 (the “Settlement Amount”), in order to turnover to the Trustee the rents in excess of expenses received by the Debtors post-petition, for the Debtors’ real property located at 106 Brookside Drive, Killington, Vermont (the “Property”), to be paid as follows:

- a. \$1,750 per month beginning on January 15, 2021, on the fifteenth of each month for a total of 20 months (the “Monthly Payments”); and

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Debtor: Michael Kalfus and Robin Kalfus

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- b. \$7,000 to be paid by September 15, 2022 (the “Final Payment”, and with the Monthly Payments, the (“Settlement Payments”).

2. The Settlement Amount shall be inclusive of the \$32,369.51 which the Debtors were ordered to turnover to the Trustee as part of the April 8, 2020 Order.

3. The Debtors are not entitled to an exemption as to any amounts turned over to the Trustee by the Ch. 11 estate, nor any funds recovered by the Trustee.

4. To the extent that the Debtors fail to make the required payment of the Settlement Amount, the Trustee shall file a certification of default with the Court on notice to the Debtors. Should the Debtors fail to cure the default within ten (10) days of the filing of a certification of default, the Court shall:

- a. Enter a non-dischargeable judgment against the Debtors in an amount equal to 1.5 times the Settlement Amount, less any payments made to the Trustee (the “Judgment”); and
  - b. Enter an order revoking the Debtors’ discharge pursuant to 11 U.S.C. § 727(d)(2).

5. The parties hereto shall execute any and all documents and pleadings reasonably necessary to implement all of the foregoing provisions.

6. The terms of this Consent Order are subject to the Court’s approval and the issuance of a Notice of Settlement (the “Notice”) and the following:

- (a) If no objection to the Notice is filed, the issuance and docketing of a Certification of No Objection by the Clerk of the Bankruptcy Court; or
  - (b) If any objection to the Notice is filed, the overruling of any such objection by this Court.

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In the event that an objection to the settlement is filed and sustained, the parties shall be restored to their pre-settlement positions.

7. The parties, and anyone who succeeds to their rights and responsibilities hereunder, including their successors and/or assigns, are bound by this Consent Order. This Consent Order is made for the benefit of the parties and all who succeed to their rights and responsibilities.

8. The Bankruptcy Court shall retain exclusive jurisdiction to adjudicate all matters arising under or in connection with this Consent Order.

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*The undersigned hereby consent to  
the form and entry of the within Order:*

MELLINGER KARTZMAN LLC  
*Attorneys for Trustee*

MCMANIMON, SCOTLAND  
& BAUMANN, LLC  
*Attorneys for Debtors*

By: /s/ Judah B. Loewenstein  
JUDAH B. LOEWENSTEIN, ESQ.

By: /s/ Anthony Sodono, III  
ANTHONY SODONO, III, ESQ.

Dated: January 14, 2021

Dated: January 14, 2021

By: /s/ Michael Kalfus  
MICHAEL KALFUS

Dated: January 13, 2021

By: /s/ Robin Kalfus  
ROBIN KALFUS

Dated: January 13, 2021